



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

IFW

Applicant: Jude S. Sauer
Serial No.: 10/772,185 Confirmation No: 4686
Filed: 02/04/2004
For: INSTRUMENT FOR GUIDING THE SURGICAL CUTTING OF
TISSUE AND METHOD OF USE
Examiner: Victor X. Nguyen Art Unit: 3734
Atty. Docket: LS-006CV

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement dated May 3, 2007, Applicant elects Group I, Claims 1-10 with traverse. Applicant traverses this requirement on the grounds that the instrument claims and method claims both describe cutting tissue along a prescribed path from an instrument's distal end, such as dictated by a guide tube (Claims 1 and 8) or a guide wire (Claims 6 and 11) extending through the instrument's shaft, and thus such claims are not materially different, and clearly would not impose a "serious burden" under MPEP §808.02 to examine Claims 1-14 together. Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,

Kenneth J. LuKacher
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Dated: June 4, 2007

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I certify that this document is being deposited on June 4, 2007 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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